

March 30, 2006

Assemblywoman Lois Wolk
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0008

Dear Assemblywoman Wolk:

SUBJECT: Assembly Bill 2901

As an Ex-officio Member of the Delta Protection Commission (Commission), you know that it was created in 1992 pursuant to the Delta Protection Act (Act) to oversee and promote the preservation and enhancement of agriculture, wildlife habitat, and recreational resources in the Delta.

Additionally, you are aware of the Land Use and Resource Management Plan for the Primary Zone of the Delta (Management Plan) that has been prepared and adopted by the Commission. The Plan sets out findings, policies, and recommendations resulting from background studies in the areas of environment, utilities and infrastructure, land use, agriculture, water, recreation and access, levees, and marine patrol boater education and safety programs.

Consistent with the goals of the Management Plan, particularly in the water component, the Commission has directed staff to facilitate the creation of a Delta Mercury TMDL Collaborative (Collaborative). The purpose of the Collaborative is to participate in the process underway by the Central Valley Regional Water Quality Control Board (Board) to develop a Basin Plan Amendment for the establishment of a Total Maximum Daily Load (TMDL) for the Delta.

The value of the Collaborative is that its participants represent Delta-wide interests that include stakeholders as well as local, state, and federal governmental entities to provide a multi-issue perspective as input for the development of an "effective" TMDL program for the Delta region.

In that mercury TMDLs in other areas of the State require the substantial costs for mercury studies and remediation activities be borne by local entities despite acknowledgement that said entities are not responsible for the presence of mercury, Collaborative participants find the concepts contained in AB 2901 demonstrate your acknowledgement of the financial burden of the cost of cleanup on local citizens who are not solely responsible for pollution in Delta waterways. The two most voiced concerns with the Board's proposed Delta mercury TMDL are that local landowners and stakeholders should not bear the full costs for monitoring and cleanup of mercury in Delta waterways, as most is from upstream tributary sources, and that regulation of water

quality through TMDL and similar programs does not address other beneficial uses of the State's waterways or the potential for said programs to impact those uses.

Consistent with the recognition of the Collaborative that mercury in California waterways is of statewide concern, it is imperative that guidelines for development of mercury TMDL standards be established to ensure that such standards do not inhibit other regionally recognized beneficial activities such as wetlands restoration, agricultural activities, invasive weed removal, and flood management. Thus, the Collaborative finds that it is appropriate to establish a State fund for mercury monitoring and remediation to ensure that local stakeholders are not significantly burdened financially by monitoring activities resulting from the establishment of TMDL programs.

Your attention to this very important Delta issue is applauded. The Collaborative intends to continue review documentation, participate in public workshops, and provide constructive feedback to the Board and its staff throughout the Delta TMDL development process. If you would like to discuss this matter further, please contact me at (916) 776-2292 or lindadpc@citlink.net.

Sincerely,

Linda Fiack, Executive Director
Delta Protection Commission

cc: Chair, Yolo County Board of Supervisors
Chair, Sacramento County Board of Supervisors
Chair, Contra Costa County Board of Supervisors
Chair, Solano County Board of Supervisors
Chair, San Joaquin County Board of Supervisors
Collaborative Participants